



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/551,174

09/29/2005

Takatoshi Hirose

00862.023671.

4239

5514 7590 11/08/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

MURRAY, DANIEL C

ART UNIT

PAPER NUMBER

2443

MAIL DATE

DELIVERY MODE

11/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,174	Applicant(s) HIROSE, TAKATOSHI	
	Examiner DANIEL C. MURRAY	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09SEP2010, 27OCT2010</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2443

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 10AUG2010. **Claims 1, 3-11, 13, and 14** are now pending in the present application. **This Action is made FINAL.**

Information Disclosure Statement

2. The information disclosure statements submitted on 09SEP2010 and 27OCT2010 have been considered by the Examiner and made of record in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2443

5. **Claims 1, 3, 6-11, and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)(hereafter Asoh)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)(hereafter Ohta)** in further view of **Deshpande et al. (US Patent Publication # US 2003/0003933 A1)(hereafter Deshpande)**.

a) Consider **claims 1, 10, and 11**, Asoh et al. clearly show and disclose, a connection control method for an information processing apparatus, information processing apparatus, and a non-transitory computer-readable storage program product comprising a computer usable medium having computer-readable program codes control logic stored therein that, when executed by a computer, for causing a computer to control a connection of an information processing apparatus, wherein the control logic causes the computer to implement the method comprising: a reception step of receiving identification information for identifying a first wireless network (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); a joining step of wirelessly joining the wireless network identified by the identification information received in the reception step (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]). However, Asoh et al. does not specifically disclose an inquiry step of inquiring, of one or more information processing apparatuses in the wireless network joined, whether the one or more information processing apparatuses have a function of performing print processing; a detection step of detecting, if a response to the inquiring in the inquiry step is received, an information processing apparatus having the function of performing the print processing in the wireless network joined according to the response to the inquiring in the inquiry step; a request step of requesting the print processing from the information processing apparatus in the wireless network having the function of performing the print processing, if the information processing apparatus have the function of performing the print processing in the wireless network are detected in the detection step; or a changing step of changing the wireless

Art Unit: 2443

network joined previously to another wireless network identified by the identification information received in the reception step, if no information processing apparatus having the function of performing print processing in the wireless network joined previously is detected in the detection step or the print processing cannot be performed by any-of the information processing apparatus requested to perform the print processing in the request step, wherein, when the wireless network joined previously is changed in the changing step, the inquiring in the inquiry step, the detecting in the detection step, and the requesting in the request step are performed again.

Ohta shows and discloses printing at a convenient location, and more particularly related to a system for and method of printing information at a conveniently located printer station that is selected in a predetermined area wherein, Ohta clearly discloses an inquiry step of inquiring, of one or more information processing apparatuses in the wireless network joined, whether the one or more information processing apparatuses have a function of performing print processing (figure 13, abstract, paragraph [0007], [0039], [0040], [0053]); a detection step of detecting, if a response to the inquiring in the inquiry step is received, an information processing apparatus having the function of performing the print processing in the wireless network joined according to the response to the inquiring in the inquiry step (figure 13, abstract, paragraph [0007], [0039], [0040], [0053], [0056]); a request step of requesting the print processing from the information processing apparatus in the wireless network having the function of performing the print processing, if the information processing apparatus have the function of performing the print processing in the wireless network are detected in the detection step (figure 13, abstract, paragraph [0007], [0040], [0053]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Ohta and Asoh et al. since both concern detection over wireless networks and as such, both are with in the same environment.

Art Unit: 2443

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate detecting a device on network capable of performing a predetermined process, as taught by, Ohta into the system of Asoh et al. for the purpose of locating a printer on a wireless network capable of performing a predetermined process (Ohta; abstract), thereby allowing the user to conveniently locate a device on the network of performing a predetermined process. However, Asoh as modified by Ohta does not specifically disclose a changing step of changing the wireless network joined previously to another wireless network identified by the identification information received in the reception step, if no information processing apparatus having the function of performing print processing in the wireless network joined previously is detected in the detection step or the print processing cannot be performed by any-of the information processing apparatus requested to perform the print processing in the request step, wherein, when the wireless network joined previously is changed in the changing step, the inquiring in the inquiry step, the detecting in the detection step, and the requesting in the request step are performed again.

Deshpande shows and discloses an area being serviced by multiple wireless network access service providers, a service provider is selected for use by a communication device based upon information received from each of the available service providers and a provider selection criterion, wherein Deshpande discloses a changing step of changing the wireless network joined previously to another wireless network identified by the identification information received in the reception step, if no information processing apparatus having the function of performing print processing in the wireless network joined previously is detected in the detection step or the print processing cannot be performed by any-of the information processing apparatus requested to perform the print processing in the request step (figure 3, abstract, paragraph [0015], [0016], [0017], [0021]), wherein,

Art Unit: 2443

when the wireless network joined previously is changed in the changing step, the inquiring in the inquiry step, the detecting in the detection step, and the requesting in the request step are performed again (figure 3, abstract, paragraph [0015], [0016], [0017], [0021]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Deshpande and Asoh as modified by Ohta since both concern determining services available on a wireless network and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate searching multiple networks for a particular service, as taught by, Deshpande into the system of Asoh as modified by Ohta for the purpose of locating a particular service required by a user (Deshpande; paragraph [0021]), thereby allowing the user to locate and make use of said particular service.

b) Consider **claim 3**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 1, wherein, in the first request step, the print processing is requested from another information processing apparatus that has first positively responded to the inquiring in the inquiry step (Ohta; abstract, paragraph [0045]).

c) Consider **claim 6**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 1, wherein in the inquiry step, an inquiry is made whether all information processing apparatuses in the wireless network joined have the function of performing print processing (Ohta; abstract, paragraph [0045]).

d) Consider **claim 7**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 1, wherein the

Art Unit: 2443

information processing apparatus wirelessly communicates according to a wireless LAN method defined by IEEE 802.11 (paragraph [0082]).

e) Consider **claim 8**, and **as applied to claim 7 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an infrastructure mode defined by IEEE 802.11 (paragraph [0082]).

f) Consider **claim 9**, and **as applied to claim 7 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an ad-hoc mode defined by IEEE 802.11 (paragraph [0082]).

g) Consider **claim 13**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 1, wherein in the request step, at least one of the one or more information processing apparatuses having the function of performing the print processing is connected and the print processing is requested (Ohta; figure 13, abstract, paragraph [0007], [0040], [0045], [0053]).

h) Consider **claim 14**, and **as applied to claim 13 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 13, wherein in the request step, the print processing requested from an information processing apparatus that has positively responded to the inquiring in the inquiry step (Ohta; figure 13, abstract, paragraph [0007], [0040], [0045], [0053]).

Art Unit: 2443

6. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)(hereafter Asoh)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)(hereafter Ohta)** in view of **Deshpande et al. (US Patent Publication # US 2003/0003933 A1)(hereafter Deshpande)** and in further view of **Suda et al. (US Patent # 6,157,465)(hereafter Suda)**.

a) Consider **claim 4**, and **as applied to claim 3 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 3. However, Asoh et al. as modified by Ohta as modified by Deshpande does not specifically disclose in the request step, if the print processing performed by an information processing apparatus that has first positively responded to the inquiring in the inquiry step ends as an error, the print processing is requested from another information processing apparatus that has positively responded to the inquiring in the inquiry step.

Suda shows and discloses a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be performed by another printer, it transfers the job to that printer, wherein in the request step, if the print processing performed by an information processing apparatus that has first positively responded to the inquiring in the inquiry step ends as an error, the print processing is requested from another information processing apparatus that has positively responded to the inquiring in the inquiry step (column 20 lines 41-60, column 21 lines 27-37).

Art Unit: 2443

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda into the system of Asoh et al. as modified by Ohta et al. as modified by Deshpande for the purpose of transferring a job to another device if an error occurs in the device originally executing the job.

b) Consider **claim 5**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta as modified by Deshpande clearly show and disclose, the method according to claim 1. However, Asoh et al. as modified by Ohta as modified by Deshpande does not specifically disclose in the inquiry step, if each response to the inquiring is a negative response or no response exists, a determination is made that there is no information processing apparatus having the function of performing the print processing in the wireless network joined.

Suda shows and discloses a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be performed by another printer, it transfers the job to that printer, wherein in the inquiry step, if each response to the inquiring is a negative response or no response exists, a determination is made that there is no information processing apparatus having the function of performing the print processing in the wireless network joined (abstract, column 19 lines 52-64, column 20 lines 41-60).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda into the system of Asoh et al. as modified by Ohta et al. as modified by Deshpande for the purpose of locating a device capable of performing

Art Unit: 2443

a predetermined process.

Response to Arguments

7. Applicant's arguments with respect to **claims 1, 10, and 11** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 09SEP2010 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant, in preparing the responses, to fully consider each of the cited references in entirety as

Art Unit: 2443

potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the Examiner.

With respect to any amendments to the claimed invention, it is respectfully requested that Applicant indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

If Applicant intends to make numerous amendments the Examiner respectfully requests that Applicant submit a clean copy of the claims in addition to the marked up copy of the claims in order to expedite the examination process.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2443

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C. M./
Examiner, Art Unit 2443

/David E. England/
Primary Examiner, Art Unit 2443